

PERFORMANCE WORK STATEMENT

Contract: EP-C-15-022

Work Assignment No. 4-96

Period of Performance: 7/1/2019 - 6/30/2020

I. ADMINISTRATIVE

A. Title: Support for Region 8 Underground Injection Control Dewey-Burdock Permitting Actions

B. Work Assignment Contracting Officer's Representative: Technical Contact:

Bruce Suchomel
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C. Quality Assurance:

This Work Assignment (WA) is a continuation of WA 3-96, which required the Contractor to develop a quality assurance project plan specific to WA 3-96 to supplement the Contract-Level Programmatic Quality Assurance Project Plan (PQAPP), dated September 3, 2015. The Contractor developed the Supplemental Quality Assurance Project Plan (SQAPP) consistent with the EPA's QA requirements. The SQAPP was approved by the Region 8 Quality Assurance Director on December 18, 2018.

Task 2 in this work assignment involves developing a response to comments received from the public notice of proposed EPA regulatory actions. This task requires quality assurance (QA) planning and documentation to ensure each comment received is included in the response-to-comments document and no comment is neglected. The QA elements for Task 2 are addressed in the SQAPP developed under WA 3-96. The project-specific quality assurance requirements must be addressed in the work plan and monthly progress reports as specified under Task 0 below.

D. Background:

The Underground Injection Control (UIC) Program is authorized under the Safe Drinking Water Act. The primary mission of the UIC Program is the regulation of injection wells for the protection of underground sources of drinking water (USDWs). The definition of USDW is found in UIC regulations at 40 Code of Federal Regulations (CFR) §144.3.

The Region 8 UIC Program has proposed three distinct but related actions at the Dewey-Burdock Site: a Class III draft permit authorizing injection of fluid into uranium ore zones for uranium recovery; an aquifer exemption for the uranium-bearing zones and a Class V deep well permit to dispose of treated ISR waste fluids generated at the Dewey-Burdock site. These actions are regulated under the UIC regulations found at 40 CFR parts 124, 144 and 146. UIC regulations specific to injection wells in South Dakota are found at 40 CFR 147 Subpart QQ. In addition to the UIC permits, the site is also regulated

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by the Nuclear Regulatory Commission (NRC). The NRC has issued a Radioactive Materials Handling License for the site.

This WA is a continuation of previous WA 3-96, which included three tasks providing contractor support to the EPA Region 8 UIC Program (hereafter EPA) to proceed efficiently with permitting activities at the Dewey-Burdock Uranium Site. The Contractor completed Task 1 under WA 3-96; Tasks 2 and 3 had not been completed by the end of Option Period 3 and are, therefore, included in this WA. The WA 3-96 task numbers are being carried over to this WA to reflect the continuity of the work and to avoid confusion moving forward.

The Dewey-Burdock project site is located near the Black Hills in South Dakota. The Black Hills are of historic interest to many tribes. The UIC permitting actions have resulted in a lengthy, complicated tribal consultation process that began in 2013, but has not reached successful completion. The lengthy, complicated tribal consultation process has added considerable time to the UIC Dewey-Burdock permitting process. The Region 8 UIC Program is seeking contractual assistance to conduct a respectful tribal consultation process.

The Region 8 Tribal Assistance Program maintains a contact list of tribal leaders for Region 8 tribes, but does not include Tribal Historic Preservation Officers (THPOs). The Department of Housing and Urban Development (HUD) recently updated its Tribal Directory Assistance Tool (TDAT) with new information gathered from Indian tribes. TDAT is a free, web-accessible contact database that contains information about federally recognized Indian tribes and their geographic areas of current and ancestral interest at the county level. It lists names and contact information for tribal leaders and THPOs as well as links to tribal websites. Users can query the database by street address, county, state, and tribe. Information generated from TDAT can be exported in spreadsheet format for use in other programs. TDAT was designed to help users quickly identify tribes and provide appropriate tribal contact information to assist with initiating Section 106 consultation. For more information about TDAT, see the ACHP's information paper at [HYPERLINK "<http://www.achp.gov/tdat.html>"]. TDAT can be accessed at [HYPERLINK "<https://egis.hud.gov/tdat/>"].

As part of the administrative record for the draft UIC permits, the Region 8 UIC Program developed fact sheets for both UIC draft permits, a draft record of decision for the aquifer exemption, a draft cumulative effects analysis document, a draft environmental justice analysis document and a draft document proposing the Region 8 UIC Program's plan for complying with Section 106 of the National Historic Preservation Act. These documents were also available for public review and comment.

The UIC permitting process requires the Region 8 UIC Program to conduct a public comment period per requirements under 40 CFR § 124.10 and issue a response-to-comments document under 40 CFR § 124.17. During the public comment period for the Dewey-Burdock site, the EPA received a large volume of comments on the proposed UIC actions and draft documents. In a previous Work Assignment (2-94) under this contract, Cadmus categorized the comments into 43 different topics.

Responses to many of the comments are found in the draft documents that were part of the administrative record. The EPA is seeking contractual support to develop a response-to-comments document based on the comment topics in the categorized comment document deliverable generated under the previous Work Assignment and the information in the draft documents that were part of the administrative record.

II. OBJECTIVE

The objective of this Work Assignment is to obtain contractual support for the Region 8 UIC Program (hereafter EPA) to proceed efficiently with permitting activities at the Dewey-Burdock Uranium Site by:

1. Providing assistance in adding contact information to EPA-generated tribal consultation letters that will be mailed to approximately 23 tribes on up to two separate occasions;
2. Providing assistance in contacting tribal offices to identify tribes who are interested in scheduling consultation meetings with the EPA, identify the designated tribal contacts for the Dewey-Burdock consultation process and schedule consultation meetings with interested tribes; and
3. Developing a general framework for the response-to-comment document based on:
 - a. The comment topics in the categorized comment document deliverable generated under a previous Work Assignment and
 - b. The information available in the draft documents that were a part of the Dewey-Burdock administrative record.

III. TASK DETAIL

The contract level sections that support this work assignment include: 2.2, 2.3, and 4.3.

The total LOE for this Work Assignment is: 640 hours.

The Contractor shall perform the two tasks described below as well as the administrative tasks described under Task 0.

Task 0: Work Plan, QA Documents and Monthly Progress Reports

The LOE for Task 0 is: 75 hours

Subtask 0.1: The Contractor shall develop a work plan that describes how each task will be carried out. The work plan shall include a schedule, staffing plan, level of effort (LOE), and cost estimate for each task, the Contractor's key assumptions on which staffing plan and budget are based, and qualifications of proposed staff. If a subcontractor(s) is proposed and subcontractors are outside the local metropolitan area, the Contractor shall include information on plans to manage work and contract costs. The work plan shall also address the specific quality assurance requirements, as applicable.

Subtask 0.2: This task also includes monthly progress and financial reports. The monthly progress report shall indicate, in a separate QA section, whether significant QA issues have been identified and how they are being resolved. Monthly financial reports must include a table with the invoice LOE and costs broken out by the tasks in this WA. All reports shall be completed and submitted in accordance with the current contract requirements.

Task 0 Deliverables:

1. Work Plan,
2. Monthly progress and financial reports.

Task 1: Task Completed under WA 3-96

As stated previously, this WA is a continuation of previous WA 3-96, which included three tasks. The Contractor completed Task 1 under WA 3-96; Tasks 2 and 3 had not been completed by the end of Option Period 3 and are, therefore, included in this WA. The WA 3-96 task numbers are being carried over to this WA to reflect the continuity of the work and to avoid confusion moving forward.

Task 2: Administrative support with tribal consultation tasks

The LOE for Task 2 is: 160 hours.

Subtask 2.1: Generate the tribal contact list.

1. The Contractor shall generate an up-to-date tribal contact list for the list of tribes supplied by the EPA per #4 above. The up-to-date list will be based on the contact list from the previous tribal consultation letter the EPA mailed in November 2015. The tribal contacts will most likely have changed since that time, so the Contractor shall verify the names of the current Tribal Historic Preservation Officers or preservation contact and the current tribal leader (chairman or president). The EPA will provide a list of contacts for tribes located in Region 8, however, there are tribes on the mailing list outside of Region 8, for which it will be necessary to verify the current contacts.
2. The contact information shall include the names, mailing addresses, phone numbers and email addresses for the tribal leaders and the names, phone numbers and email addresses for the tribal environmental directors and the THPOs.
3. A copy of the contact list shall also be provided to the EPA in MS Word format. Ideally, the contact list is saved on a SharePoint or ftp site, made available to the EPA, and set up to send automatic emails to the Work Assignment Manager and the Technical Contact when the list is updated.
4. The names and addresses of the tribal leaders shall also be included in a file format appropriate for the Contractor use to perform a mail merge with the template tribal consultation letter.

Subtask 2.2: Prepare a tribal consultation letter for each tribe on the mailing list from a template letter provided by the EPA.

1. The Contractor shall generate the individual tribal consultation letters, addressed to the tribal leader with a courtesy copy list comprised of the tribal environmental director and the THPO.
2. The Contractor shall send the EPA an MS Word file containing the letters ready for printing and signature.

Subtask 2.3 Email the pdfs of the signed letters and save emails to pdf files.

1. After signature, the EPA will scan all the signed letters to pdf files and email them back to the Contractor along with enclosures.
2. The Contractor shall email the letters and enclosures to the tribal leaders and include the environmental directors and THPOs in the "courtesy copy" address line.
3. The contractor shall save the emails as pdf files and make the pdf files available to the EPA to add to the administrative record.

Subtask 2.4: Forward any emails from tribes to the EPA and save the emails as pdf files.

1. If any tribe sends an email, the Contractor shall immediately forward the email to the EPA Work Assignment COR and copy the Technical Contact.

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2. Each email from a tribe shall be saved as a pdf file and made available to the EPA.

Subtask 2.5: Ongoing list of all communication with tribes.

1. The Contractor shall maintain an ongoing list of all communication with tribes, including:
 - a. name of tribe,
 - b. name of person,
 - c. date of communication,
 - d. indicate whether communication is by call, voice message or email and
 - e. a brief note on the content of the communication.
2. The Contractor shall make available to the EPA updated lists of recent communication. The EPA's preference would be a list saved on a SharePoint or ftp site accessible by the EPA. The contractor shall either send, or set up automatically generated, emails to the EPA Work Assignment COR when the list is updated.

Subtask 2.6: Identify tribes interested in consultation with the EPA and identify designated tribal contacts.

After 10 business days from emailing the consultation letters to the tribal contacts, the Contractor shall call the tribal offices that have not already replied to the emailed letters. The purpose of the call is to:

1. Determine if the tribe wishes to schedule a consultation meeting with the EPA and
2. If so, identify the designated tribal contact for the Dewey-Burdock consultation process. The EPA has already identified the designated tribal contact for the Cheyenne River Sioux Tribe; however, this contact should be confirmed by the Contractor.

Subtask 2.7: Refer questions and comments to the EPA as appropriate.

If the tribal office or a tribal contact has any questions that the Contractor is unable to answer or comments the Contractor finds it inappropriate to provide a response to, the Contractor shall

1. Refer the person to the EPA Technical Contact,
2. Notify the EPA Work Assignment COR and Technical Contact and
3. Include the question or comment in the notification.

Subtask 2.8: Schedule tribal consultation meetings.

1. After the Contractor has identified the tribes that are interested in scheduling a tribal consultation meeting and the designated tribal contact, the contractor shall begin the process of scheduling consultation meetings.
2. The EPA Technical Contact will provide updated lists dates and times of availability for the Contractor to offer to the tribes to schedule meetings.
3. The Contractor shall call or email the designated tribal contact and offer the available times for scheduling meetings.
4. If a call is made, the Contractor shall send a follow-up email message containing the same information as was conveyed during the call. The email message shall refer to the call or voicemail message left with the tribe.
5. Once a tribe schedules a consultation meeting, the Contractor shall immediately email the EPA Work Assignment COR and copy the Technical Contact so they may begin travel arrangements.
6. The Contractor shall include all communication under this Subtask in the communication list described in Subtask 2.5 and handle any emails received from tribes as described in Subtask 2.4.

7. The EPA anticipates this task will continue until 6 weeks before the issue date of the final permit decision. The Work Assignment COR will notify the Contractor of this date.

Subtask 2.9: Prepare a final tribal consultation letter for each tribe on the mailing list from a template final tribal consultation letter provided by the EPA

When the EPA has determined that the opportunity for tribal consultation is drawing to a close, the EPA Work Assignment COR will email the Contractor the following documents:

1. The template final tribal consultation letter as a MS Word file,
2. A list of tribes that will receive the consultation letter, and
3. An updated Region 8 tribal contact list.

The Contractor shall:

1. Generate the individual final tribal consultation letters, addressed to the tribal leader with a courtesy copy list comprised of the tribal environmental director and the THPO.
2. Send the EPA an MS Word file containing the letters ready for printing and signature.

Subtask 2.10 Email the pdfs of the signed letters and attachments and save emails to pdf files.

1. After signature, the EPA will scan all the signed letters to pdf files and email them back to the Contractor along with enclosures.
2. The Contractor shall email the letters and enclosures to the tribal leaders and include the environmental directors and THPOs in the courtesy copies address box.
3. The contractor shall save the emails as pdf files and make the pdf files available to the EPA to add to the administrative record.
4. The Contractor shall handle any emails received from tribes as described in Subtask 2.4.

Subtask 2.11: Follow-up calls to tribes to confirm receipt of the final consultation letter.

1. After 5 business days from emailing the final consultation letters to the tribal contacts, the Contractor shall contact the tribal offices to:
 - a. Confirm that the tribal leader has received the final consultation letter and
 - b. Offer one last opportunity to schedule a consultation meeting.
2. The Contractor shall handle any emails received from tribes as described in Subtask 2.4 and include all communication under this Subtask in the communication list described in Subtask 2.5.

Task 2 Deliverables:

1. The final tribal contact list containing contact information for each tribal leader, the tribal environmental director and THPO for each tribe on the mailing list provided by EPA.
2. An MS Word file of the tribal consultation letters ready for the EPA to print and route for signature.
3. Email pdf files of the signed consultation letters and attachments (received from the EPA) to each tribal leader, including the tribal environmental director and THPO as courtesy copies, and save each email as a pdf file.
4. Forward all emails from tribes to the EPA, save the emails as pdf files and make the pdf files available to the EPA.

5. An ongoing list of communication with tribes including the information indicated in Subtask 2.5; make the list available to the EPA.
6. A list of tribes and designated tribal contact for each tribe interested in scheduling consultation meetings with the EPA, updated as needed; make the list available to the EPA.
7. Notification to the EPA of any questions or comments from a tribe the Contractor deems appropriate to refer to the EPA.
8. Immediate notification to the EPA when a tribe schedules a consultation meeting.
9. An MS Word file of the final consultation letters ready for the EPA to print and route for signature.
10. Email pdf files of the signed final consultation letters and attachments (received from the EPA) to each tribal leader, including the tribal environmental director and THPO as courtesy copies, and save each email as a pdf file.
11. Follow-up calls to tribes after emailing the final consultation letter.

Task 3: Development of the Response-to-Comments Document for the Region 8 Underground Injection Control Permitting Actions at the Dewey-Burdock Uranium In-Situ Recovery Site

The LOE for Task 3 is: 405 hours.

Subtask 3.1: Review of documents provided by the EPA and identify responses to comments that are available in these documents.

Upon the initiation of previous WA 3-96, the EPA sent the Contractor via email the following document on November 27, 2018:

1. The document containing the public comments received categorized under the 43 topics, which was a deliverable from Contract EP-C-15-022 Work Assignment 2-94
2. The UIC Class III draft permit and fact sheet,
3. The UIC Class V draft permit and fact sheet,
4. The proposed aquifer exemption Record of Decision,
5. The draft cumulative effects analysis document,
6. The draft environmental justice analysis document,
7. The draft document proposing the EPA's plan for complying with Section 106 of the National Historic Preservation Act, and

Subtask 3.2: Develop a framework document for the response to comments.

The Contractor shall write a brief introduction to each comment topic identified in the categorized comment document. The introduction should summarize the full scope of concepts included in the comments.

During this process, the contractor may determine it is appropriate to combine similar comment topics or further split out comments previously grouped under a single topic.

The Contractor shall add two new categories: 1) *Comments related to NEPA* and 2) *Comments related to the Endangered Species Act*. The contractor shall identify comments related to these two new topics that were included under Comment category #38, *Comments about other government agencies or regulatory programs (NEPA, the Clean Air Act, the Nuclear Regulatory Commission, etc.)* and include them under the two new topics as appropriate.

Comment category #1 contains comments that stated general opposition to the Dewey-Burdock project but did not include specific information applicable to the UIC Program. This lack of specific information prevents the UIC program from generating a response to these comments. This comment category should be included near the end of the document and before the topics included in Table 1 below.

Comment category #42, *Comments about Crow Butte*, will be addressed by EPA Region 7. This category should be placed before comment category #1.

The comment topics included in Table 1 are beyond the scope of the UIC Program regulatory authority and no UIC regulations or permit requirements apply to these topics. These comment topics should be grouped under a section of the document with the heading “Comments on Issues outside the Scope of UIC Program Regulatory Authority” and included at the end of the document.

Table 1. Comments outside the scope of the UIC program.

Category No.	Comment Category Title
12	Concerns about hydraulic fracturing.
16	Against uranium mining in general.
17	Against uranium mining because of problems with nuclear power generation and nuclear weapons.
18	Concerns about the price of uranium, future demand for uranium and future viability of nuclear energy.
19	Concerns about effects of past uranium mining.
20	Concerns about Azarga (e.g. integrity of investors, integrity of company itself, solvency, experience in the ISR industry, etc.).
35	Concerns the project will not benefit Edgemont, South Dakota Counties, the State of South Dakota or the USA.
36	Comment topic unrelated to the UIC draft permits & aquifer exemption.
37	Any additional topics not included in the above list.
39	Comments about the cost or technical feasibility of treating/remediation of contaminated groundwater

Subtask 3.3: Include responses to comments that are addressed in the draft documents the EPA developed for the administrative record.

Many of the comments the EPA received are already addressed in the documents the EPA prepared for the administrative record. These documents are listed under Subtask 3.1.

The Contractor shall include responses to comments as addressed by the information in these documents.

After these responses are included, there may be additional concepts expressed in the comments that were not fully addressed by the information in the draft documents. There may be comment topics that are not addressed by any information in the draft documents. The Contractor shall flag these areas to identify the concepts or comment topics not fully addressed by the available information. The EPA will complete the response-to-comments document and address any remaining concepts and comments.

IV. SCHEDULE OF DELIVERABLES:

Table 2. List of Deliverables and Due Dates

No.	DELIVERABLE	DATE DUE TO EPA
Task 0: Work Plan and Monthly Progress Reports		
0.1	Work plan and budget	According to contract
0.2	Monthly progress and financial reports	Monthly
Task 1: Task Completed under WA 3-96		
Task 2: Support with Tribal Consultation Administrative Tasks		
2.1	The final tribal contact list containing contact information for each tribal leader, the tribal environmental director and THPO for each tribe on the mailing list provided by EPA.	Within 3 business days after receiving the tribal mailing list from the EPA
2.2	An MS Word file of the tribal consultation letters ready for the EPA to print and route for signature.	Within 3 business days after finalizing the tribal contact list.
2.3	Email pdf files of the signed consultation letters and attachments (received from the EPA) to each tribal leader, courtesy copy the tribal environmental director and THPO and save each email as a pdf file.	Within 3 business days of receiving the pdf files of the from the EPA.
2.4	Forward all emails from tribes to the EPA, save the emails as pdf files and make the pdf files available to the EPA.	Forward emails to the EPA within 1 business day of receiving the email from a tribe.
2.5	An ongoing list of communication with tribes including the information indicated in Subtask 2.5; make the list available to the EPA.	Update list within 1 business day of the communication event.
2.6	A list of tribes and designated tribal contact for each tribe interested in scheduling consultation meetings with the EPA, updated as needed; make the list available to the EPA.	Update list within 1 business day of receiving information from tribe.
2.7	Notification to the EPA of any questions or comments from a tribe the Contractor deems appropriate to refer to the EPA.	Within 1 business day of the referral.
2.8	Immediate notification to the EPA when a tribe schedules a consultation meeting.	The same day of hearing from the tribe, if possible.
2.9	An MS Word file of the final consultation letters ready for the EPA to print and route for signature.	Within 3 business days after receiving the tribal mailing list from the EPA
2.10	Email pdf files of the signed final consultation letters and attachments (received from the EPA) to each tribal leader, copy the tribal environmental director and THPO and save each email as a pdf file.	Within 3 business days of receiving the pdf files of the scanned signed letters from the EPA.
2.11	Follow-up calls to tribes after emailing the final consultation letter.	Begin calls after 5 business days of emailing the final consultation letter, completing the task within 10 business days of emailing the final consultation letter.

Table 2. List of Deliverables and Due Dates – continued

TASK No.	DELIVERABLE	DATE DUE TO EPA
Task 3: The Response-to-Comments Document		
3.1	An MS Word document containing introductions to comment topics with areas flagged for the EPA where the responses to some comments or comment concepts were not addressed by the information provided in the draft documents.	Within 55 business days after receiving the documents listed under Subtask 3.1 from the EPA.
3.2	Any QA documentation generated while tracking comments under the appropriate response section in the Response-to-Comments document, as applicable.	At the time deliverable 3.1 is submitted.

V. MISCELLANEOUS – SOFTWARE APPLICATION AND ACCESSIBILITY (SECTION 508 REHABILITATION ACT AND AMENDMENTS)

Software Application Files and Accessibility

Software Application files, if delivered to the Government, shall conform to the requirements relating to accessibility as detailed to the 1998 amendments to the Rehabilitation Act, particularly, but not limited to, § 1194.21 Software applications and operating systems and § 1194.22 Web-based intranet and internet information and applications. See: <http://www.section508.gov/>

Preferred text format:	MS Word, 8.0 or higher (Office 2003 or higher)
Preferred presentation format:	Power Point, Office 2003 or higher
Preferred graphics format:	Each graphic is an individual GIF file
Preferred portable format:	Adobe Acrobat, version 6.0

VI. TECHNICAL DIRECTION

The CL-COR or WACOR is permitted to provide technical direction. Technical direction must be within the statement of work of the contract and includes: (1) Direction to the contractor which assists the contractor in accomplishing the PWS, (2) comments on and approval of reports or other deliverables. Technical direction will be issued in writing or confirmed in writing within five (5) calendar days after verbal issuance.

VII. TRAVEL

The contractor shall not anticipate any travel associated with this WA over the duration of the performance period.

VIII. MEETINGS, CONFERENCES, TRAINING EVENTS, AWARD CEREMONIES AND RECEPTIONS

All appropriate clearances and approvals required by Agency policy in support of any and all conference related activities and expenses, including support of meetings, conferences, training events, award ceremonies and receptions, including the form 5170 for all meetings costing more than \$20,000, shall be obtained by the EPA CL-COR as needed and provided to the Contracting Officer (CO). Work under conference related activities and expenses shall not occur until this approval is obtained and provided by the EPA CL-COR.

IX. CONTRACTOR IDENTIFICATION

Contractor personnel shall always identify themselves as contractor employees by name and organization and physically display that information through an identification badge. Contractor personnel are prohibited from acting as the Agency's official representative. The contractor shall refer any questions relating to the interpretation of EPA policy, guidance, or regulation to the CO, CL-COR and/or WACOR.

X. PRINTING

All copying and printing shall be accomplished within the limitations of the printing clause of the contract.

XI. QUALITY ASSURANCE SURVEILLANCE PLAN

The contract QASP is applicable to this WA.